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[*Bohan v. Tennessee Valley Authority*](#), 87-ERA-28 (Sec'y Aug. 3, 1989)

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U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

DATE: August 3, 1989
CASE NO. 87-ERA-28

IN THE MATTER OF

STEVEN L. BOHAN,
COMPLAINANT,

v.

TENNESSEE VALLEY AUTHORITY,
RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

ORDER APPROVING SETTLEMENT

Pursuant to my order of March 15, 1989, I have received documentation which indicates approval of the Settlement Agreement which was previously submitted in this matter, by Complainant Bohan. By letter dated March 21, 1989, the Complainant has indicated to me his approval of the Settlement's terms in resolution of his complaint of January 8, 1987, under the Energy Reorganization Act of 1974, as amended, (ERA), 42 U.S.C. § 5851 (1982) and its implementing regulations. The agreement sets forth the actual terms and conditions to which the parties have agreed.

Paragraph 3 and clause 3 of the agreement refer to a civil action which the Complainant has filed in the United States District Court for the Eastern District of Tennessee, Civil Action No. 3-87-872. The case record is unclear with regard to the substance of that case and, thus, it may encompass matters arising under laws other than the Energy Reorganization Act.

My authority over this settlement agreement is limited to such statutes as are within my jurisdiction and is defined by the applicable statute. *See Poulous v. Ambassador Fuel Oil Co., Inc.*, Case No. 86-CAA-1, Secretary's Order issued November 2,

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1987; *Aurich v. Consolidated Edison Company of New York, Inc.*, Case No. CAA-2, Secretary's Order Approving Settlement, issued July 29, 1987; *Chase v. Buncombe County, N.C.*, Case No. 85-SWD-4, Secretary's Decision and Order on Remand, issued November 3, 1986. Accordingly, I have limited my review of the settlement agreement to determining whether its conditions are a fair, adequate and reasonable settlement of Complainant's allegations under Section 5851 of the ERA.

I find the terms of the agreement within the scope of my authority to be fair, adequate and reasonable and I therefore approve the settlement. ¹

Accordingly, the complaint in this case is DISMISSED.

SO ORDERED.

ELIZABETH DOLE
Secretary of Labor

Washington, D.C.

[ENDNOTES]

¹ 42 U.S.C. 5851(b)(2)(A) provides "the Secretary shall, unless the proceeding on the complaint is terminated by the Secretary on the basis of a settlement entered into by the Secretary and the person alleged to have committed such violation, issue an order either providing the relief prescribed by subparagraph (B) or denying the complaint."